

REMARKS

The present amendment is being filed under a Certificate of Mailing as indicated. Claims 1-6, 8-10, 12-19, and 21-34 are pending. Claims 7, 11, and 20 were previously cancelled.

§103

Claims 1-34 were rejected under 35 U.S.C. §103(a) as being anticipated by U.S. Pat. No. 7,048,740 to White (“White”). Independent claim 1 is directed to an acetabular reamer that includes a body defining a relief surface that is operably connected to and defines an edge of a peripheral surface of the body. Independent claim 1 recites that the peripheral surface (14) is a truncated hemisphere with its boundaries defined by the end surface (20) and the relief surface (22). Claim 1 also recites two relief surfaces as well as two support structures. The support structures extend along the relief surfaces and extend inwardly from the relief surfaces toward the origin.

It is the Applicants’ belief that White does not disclose the truncated hemisphere as claim. The Office Action states that truncating the body of White is merely a design choice and would be obvious to one of ordinary skill in the art. However, there is absolutely no support in the specification of White teaching or suggesting that such truncation would be desirable.

Every reference in White is to a cutting tool is to one having a hemispherically shaped body. The Title is to a “Domed” cutting tool. There is not one mention of minimally invasive surgery at all within White. The Office Action cites to no reference for the idea that White could be modified to be used in a minimally invasive surgery. The motivation to modify White to form a minimally invasive reamer comes from the Applicant’s own disclosure. The Office Action is improperly using the present application as a roadmap and applying hindsight in the review of the claims.

Therefore, for at least this reason, claim 1 and its dependents are believed to be allowable over the prior art.

Independent claim 18 also recites a truncated hemisphere. As stated above in reference to claim 1, White does not disclose this feature. For at least this reason, claim 18 and its dependents are believed to be allowable over the prior art.

Independent claim 30 also recites a truncated hemisphere. Therefore, for at least the reasons discussed in relation to claim 1, independent claim 30 and its dependents are believed to be allowable over the prior art.

Independent claim 34 also recites a truncated hemisphere. Therefore, for at least the reasons discussed in relation to claim 1, independent claim 34 is believed to be allowable over the prior art.

Conclusion

For the above-described reasons it is respectfully submitted that the rejections to the claims have been overcome and that all remaining claims, namely claims 1-34 are currently in condition for allowance. A Notice of Allowance is respectfully requested. If there are any questions or comments that would speed prosecution of this application, the Examiner is invited to call the undersigned at 574-372-7332.

As this response is being filed within three months of the mailing of the Final Office Action, no fee is believed to be due at this time.

Respectfully submitted,
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